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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,434	03/12/2001	Teruhiko Suzuki	450100-03059	9885

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FROMMER LAWRENCE & HAUG  
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NEW YORK, NY 10151

EXAMINER

PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/28/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,434

Applicant(s)

SUZUKI ET AL.

Examiner

Charles E Parsons

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 17-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term content into content appearing in the preamble is indefinite, the applicant should clarify what the content is, and reword the claims to be more clear.
3. The claims will be rejected as best understood by the Examiner below.
- 4.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhan in view of Krasinski.
3.  
  
Claim 17, 25, 26, 27. A converting apparatus for converting content into content in a predetermined format, comprising:  
  
converting means for converting the content into a format suitable for said terminal based on the content information signal; (See Zhang figure 2A)  
  
wherein the content-information signal includes coding difficulty information indicating a coding difficulty of the content; (See Zhang figure 2B)

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and said converting means converts the content based on the coding difficulty information. (See Zhang column 7 lines 1-20, while Zhang clearly teaches these elements, he lacks the following elements, however Krasinski does teach them see below.)

a memory for storing the content and a content information signal concerning the content; (See Krasinski column 4 lines 43-56)

first obtaining means for obtaining information on a terminal for reading the content; (See Krasinski column 5 lines 10-45. At the time the invention was made, it was well known in the art, that in order for a terminal to receive a particular type of content data, the data must be transmitted in a format that is readable by the terminal. Therefore, upon request of the content, the receiving terminal must indicate to the transmitting source what format it is capable of receiving as well as the bandwidth it can handle. Thus it would have been obvious to one of ordinary skill in the art to include an obtaining means capable of receiving information from a receiving terminal in order for the supplying computer to transmit the data in format suitable to the terminal. One would have been motivated to do so as taught by Zhang in column 1 lines 43-63 in an effort to provide usable video data to various users using different channels and decoding algorithms.)

Claim 18. A converting apparatus according to Claim 17, wherein the coding difficulty information includes information indicating a motion compensation difficulty of the content. (See Zhang column 7 lines 1-20)

Claim 19, 22. A converting apparatus according to Claim 17, wherein the coding difficulty information includes a parameter indicating inter-frame correlation of the content. (Inter-frame correlation of the content is interpreted by the Examiner as Motion. Accordingly see Zhang column 7 lines 1-20)

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Claim 20, 24: A converting apparatus according to Claim 17, wherein the coding difficulty information includes a search range of a motion regarding motion compensation of the content. (Search ranges are inherent to motion compensation, and the more motion in video the more difficult therefore a larger search range will obviously be indicative of difficulty)

Claim 21. A converting apparatus according to Claim 17, wherein the coding difficulty information includes information indicating a compression difficulty of the content in the space domain. (According to the Specification the space domain is the domain prior to motion compensation, accordingly see Zhang figure 2b wherein he clearly teaches trans-coding within the space domain when routes B,C,D are taken. In his discussion he clearly indicated that the least difficult path to take is D and the difficulty increases until A is reached See column 7 lines 1-20. Therefore, difficulty in the space domain is present and indicated by Zhang.

Claim 23. A converting apparatus according to Claim 17, wherein the content-information signal includes the coding difficulty information in segment units, segments being obtained by dividing the content. (All video content is divided into segments, in colloquial English they are called scenes. All scene have a particular amount of motion associated with them, thus they would inherently have a particular coding difficulty associated with them, See Krasinski column 3 lines 15-21 as well as Column 5 lines 30-45.)

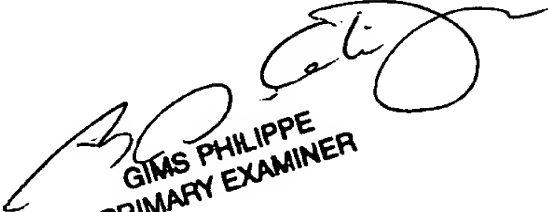
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CEP

  
GIMS PHILIPPE  
PRIMARY EXAMINER